

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**PENNY KENNEDY,  
RAYMOND KENNEDY  
Individually and as guardians  
and next friends of TREVOR KENNEDY,  
an infant under the age of eighteen**

**Plaintiffs,**

**v.**

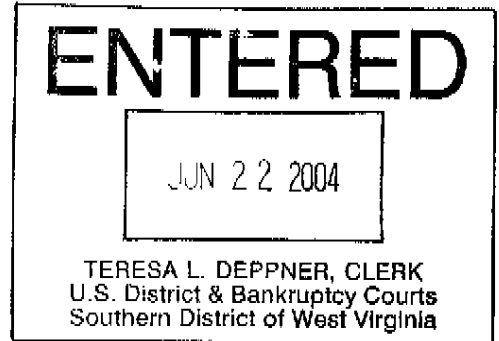
**CIVIL ACTION NO. 2:03-0175  
Joseph R. Goodwin, Judge**

**UNITED STATES OF AMERICA;  
CHARLESTON AREA MEDICAL CENTER, INC.,  
d/b/a WOMEN AND CHILDREN'S HOSPITAL OF  
WEST VIRGINIA, d/b/a WOMEN AND CHILDREN'S  
HOSPITAL, d/b/a CAMC CHILDREN'S HOSPITAL,  
d/b/a CAMC WOMEN'S HOSPITAL, d/b/a CAMC  
WOMEN AND CHILDREN'S HOSPITAL,  
INPHYNET HOSPITAL SERVICES, INC.,  
a foreign corporation, doing business  
IN the state of West Virginia, and DR. GORDON J. GREEN,  
individually,**

**Defendants.**

**ORDER OF VOLUNTARY DISMISSAL**

On this day came the plaintiffs, in person and by counsel, and came defendants, the United States of America, by counsel, Stephen M. Horn and the U.S. Attorney's Office,



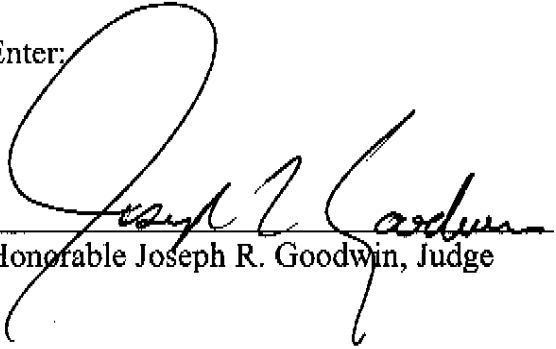
Charleston Area Medical Center, Inc., d/b/a Women and Children's Hospital of West Virginia, d/b/a CAMC Children's Hospital, d/b/a CAMC Women's Hospital, d/b/a CAMC Women and Children's Hospital, by counsel, Cheryl Eifert, and InPhyNet Hospital Services, Inc. and Dr. Gordon J. Green, by counsel, David L. Shuman, Karen Tracy McElhinny and Shuman McCuskey & Slicer, PLLC , and the plaintiffs indicated to the Court that they wish to dismiss their claim against the defendants pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. None of the other parties to the action opposed the dismissal.

**WHEREUPON**, based upon the stipulation of dismissal of the parties, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties moved the Court for an Order dismissing the claims of the plaintiffs against the defendants, without prejudice to the plaintiffs.

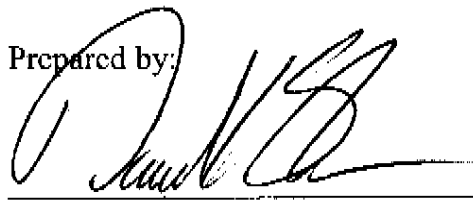
**WHEREUPON**, upon consideration of the stipulation of the parties and the motion to dismiss, the Court is of the opinion to and does hereby **GRANT** said motion and it is hereby **ORDERED** and **ADJUDGED** that the Complaint of the plaintiffs against the defendants, United States of America, Charleston Area Medical Center, Inc., d/b/a Women and Children's Hospital of West Virginia, d/b/a CAMC Children's Hospital, d/b/a CAMC Women's Hospital, d/b/a CAMC Women and Children's Hospital, InPhyNet Hospital Services, Inc. and Dr. Gordon J. Green, shall be dismissed without prejudice to the plaintiffs with each party to bear their costs.

All of which is accordingly so **ORDERED** and **ADJUDGED** this 22 day  
of June, 2004.

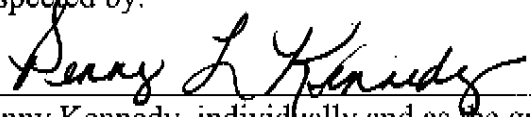
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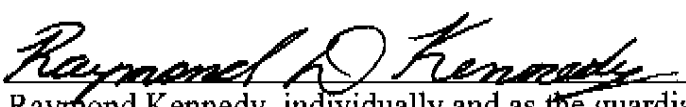
  
Honorable Joseph R. Goodwin, Judge

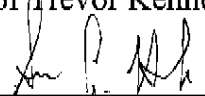
Prepared by:

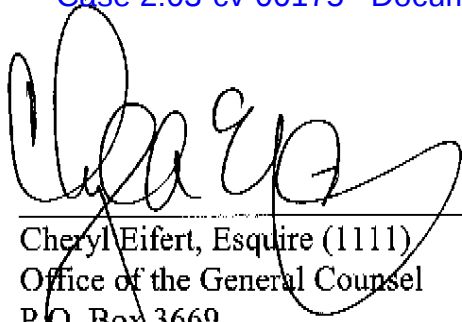
  
David L. Shuman, Esq. (WVSB #3389)  
Karen Tracy McElhinny, Esq. (WVSB #7517)  
Shuman, McCuskey & Slicer, PLLC  
Post Office Box 3953  
Charleston, West Virginia 25339

Inspected by:

  
Penny Kennedy, individually and as the guardian  
of Trevor Kennedy, Plaintiff

  
Raymond Kennedy, individually and as the guardian  
of Trevor Kennedy, Plaintiff

  
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